



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes PLANNING COMMISSION

Bob Kinney - Chairman
Jay Davis, Ward 1
Frasure Hunter, Ward 2
Hicks Poor, Ward 3
Brent Bennett, Ward 4
Brenda McCrae, Ward 5
Stephen Diffley, Ward 7

Wednesday, March 1, 2017

6:00 PM

City Hall Council Chambers

Present: Bob Kinney, Jay Davis, Frasure Hunter, Hicks Poor, Brent Bennett, Brenda McCrae and Stephen Diffley

Staff:

Rusty Roth, Planning & Zoning Manager

Daniel White, City Attorney

Ines Embler, Secretary to the Board.

CALL TO ORDER & ROLL CALL:

Chairman Kinney called the March 1, 2017 Planning Commission Meeting to order at 6:00PM.

Mr. White, City Attorney, explained the rules and procedures used in conducting the public hearings.

MINUTES:

20170171

February 1, 2017 Regular Planning Commission Meeting Minutes

Review and Approval of the February 1, 2017 Regular Planning Commission Meeting Minutes.

Mr. Diffley made a motion, seconded by Mr. Bennett, to recommend approval of the Planning Commission Work Session and Planning Commission Meeting Minutes as submitted. The motion carried 7-0-0.

A motion was made by Diffley, seconded by Bennett, that this matter be Approved and Finalized. The motion carried by the following vote:

Absent: 0
Vote For: 7
Vote Against: 0

REZONINGS:**20170083****Z2017-11 [REZONING] CLAIRE EDGINGTON DAVIS**

Z2017-11 [REZONING] CLAIRE EDGINGTON DAVIS is requesting the rezoning of approximately 0.5 acres located in Land Lot 1234, District 16, Parcel 0400, 2nd Section, Marietta, Cobb County, Georgia, and being known as 553 Waterman Street from CRC (Community Retail Commercial) to R-4 (Single Family Residential - 4 units/acre). Ward 1A.

File number Z2017-11 was presented by Mr. Roth for a request to rezone property known as 553 Waterman Street from CRC (Community Retail Commercial) to R-4 (Single Family Residential - 4 units/acre).

A public hearing was held.

Ms. Claire Edgington Davis, is requesting to rezone property known as 553 Waterman Street from CRC (Community Retail Commercial) to R-4 (Single Family Residential - 4 units/acre).

There was one (1) in support to this request. Ms. Joy Evilsizor spoke in support.

Ms. Evilsizor is the Executive Director of the Humane Society of Cobb County. Her property runs behind Ms. Davis' property. She said they have people there walking the dogs every day and night and have never had any problems with any of her residents. She said the property is always kept up and cared for.

Ms. Davis explained that before her husband passed suddenly, he was using the property as a three quarter house for addicts who have gone through the recovery process and in need of affordable accommodation and counseling. After his passing she was unable to continue using it that way and tried to sell it without success. She wanted to continue helping people so she rented the rooms to individuals who would otherwise not afford safe housing close to public transportation.

Mr. Bennett asked Ms. Davis to expand on why the residence is not set up very well as a single family. Ms. Davis said that prior to her husband buying the property, it was set up as offices for a mortgage company. The rooms were set up as offices and the front room was a reception area, which she now uses as a quiet room. There is no master bedroom with bathroom suite or anything like that. The kitchen is small and not adequate for normal every day cooking.

Chairman Kinney and Mr. Diffley asked if there is a central hallway and what the size of the bedrooms are. Ms. Davis said that there is a central hallway, almost like a small hotel and that the bedroom sizes vary. Only one has a single bed, the others all have queen beds.

Mr. Bennett asked if the adjacent properties are single family. Ms. Davis said that across the road are single family properties and that the house next to hers on one side is a duplex, both rented out and it is also a location for a landscaping business. On the other side of her is an elderly care facility.

Chairman Kinney asked what the average length of tenant stay is. Ms. Davis said the average is two years. She has one resident who has been there three (3) years, one has been there two (2) years, another almost three (3) years and the other two within a couple of months.

Ms. McCrae and Mr. Poor asked if the rooms are like small dorms and if all the rooms have

windows. Ms. Davis said that she has never seen a dorm room but that the rooms have a bed, chest and closet, with the exception of one room that has a hanging rail in place of the closet. If they are in college, she tries to provide a desk for them as well. She said all the rooms but one have windows and that the room without a window has been inspected by the Fire Department satisfactorily. It is within six (6) feet of the front door and there is also another door for alternate fire escape.

The public hearing was closed.

Mr. Diffley made a motion, seconded by Mr. Poor, to recommend denial due to the number of unrelated people at the residence. The motion carried 5-2-0. Chairman Kinney and Mr. Hunter opposed.

A motion was made by Diffley, seconded by Poor, that this matter be Denied. The motion carried by the following vote:

Absent: 0
Vote For: 5
Vote Against: 2

20170084

Z2017-12 [REZONING] TRATON HOMES, LLC (THE FIRST PRESBYTERIAN CHURCH OF MARIETTA, INC)

Z2017-12 [REZONING] TRATON HOMES, LLC (THE FIRST PRESBYTERIAN CHURCH OF MARIETTA, INC) is requesting the rezoning of approximately 1 acre located in Land Lot 1159, District 16, Parcels 0490, 2nd Section, Marietta, Cobb County, Georgia, and being known as 249 Cherokee Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

Council member Goldstein disclosed that he and/or his family members have been represented by Kevin Moore and/or his firm.

File number Z2017-12 was presented by Mr. Roth for a request to rezone property known as 249 Cherokee Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

A public hearing was held.

Mr. Kevin Moore, Esq., for the applicant, is requesting to rezone property known as 249 Cherokee Street from OI (Office Institutional) to PRD-SF (Planned Residential Development - Single Family).

There were two (2) in opposition to this request and four (4) in support. Cathleen Kilday and Geoffrey Francis spoke in opposition.

Ms. Kilday owns The Stanley House on the corner of Kennesaw Avenue and Church Street. It is a bed and breakfast and primarily a special events venue. She is concerned that the residential neighbors will complain about lights shining in on them and noise from the events. She said this happened at a Bed & Breakfast she owned previously in a residential zone, where they ended up having to turn lights off at a certain time among other restrictions and had to sell it because of that. She stated that she specifically bought The Stanley House because of its zoning and fears adding residential property so close to her will put her right back where she was before.

Mr. Francis expressed concern over parking. His daughter lives on Forest Avenue about a block and a half from the proposed development. He questioned where visitors and extra cars from residents were going to park. He also expressed concern that currently this property is an overflow parking lot for the church and is wondering where those people will now park. He said Forest Avenue is very narrow and always full of cars from people that visit there and is concerned that the overflow will end up on Forest Avenue.

Mr. Moore rebutted stating that this area is a downtown urban area and people live in downtown urban areas all over the world and that those types of conflicts can be expected and they are not a "conflict", they are part of that type of living that you choose to do. He stated that the area behind the townhouses provides an additional seven (7) parking spaces for guests and that each home has a driveway with room for two (2) vehicles and a two (2) car garage that must be maintained as a garage. It will not be allowed to be changed over to living space.

Mr. Diffley asked how thick are the common walls. Mr. Moore said they will meet or exceed whatever codes the City has for firewalls.

Ms. McCrae expressed disapproval over receiving the stipulation letter at the very last minute; not allowing enough time for the board members to review the information adequately, stating that this is atypical and is very frustrating to repeatedly receive updates at the last minute. Chairman Kinney asked Mr. Moore to elaborate on a draft he mentioned earlier. Mr. Moore explained that he provided staff with a letter the day before but staff made some recommendations, necessitating this letter being finalized at the last minute. He said prior to that they have been working with the project engineer who had to update the site plan a number of different times to make sure they had the correct information. Chairman Kinney suggested that in the future, he should provide the board members with a draft, marked "draft", so that when they get the final copy at the last minute, it's not that much of a change to get familiar with what's going on. Mr. Moore and Staff agreed to provide drafts in the future.

The board members asked further questions pertaining to amenities, landscaping, parking, easements, sanitation and emergency services and Mr. Moore explained satisfactorily. He said that there is a full turn around at the end by the detention pond where the sanitation truck can turn around and said that the Fire Marshall had no issues with the current plans.

The public hearing was closed.


Mr. Poor made a motion, seconded by Mr. Hunter, to recommend approval as submitted including the stipulation letter from Moore Ingram Johnson & Steele dated March 1, 2017. The motion carried 6-1-0. Ms. McCrae opposed.


A motion was made by Poor, seconded by Hunter, that this matter be Recommended for Approval as Stipulated. The motion carried by the following vote:

Absent: 0
Vote For: 6
Vote Against: 1

ADJOURNMENT:

The March 1, 2017 Planning Commission Meeting adjourned at 7:14 PM.


ROBERT W. KINNEY, CHAIRMAN


INES EMBLER, SECRETARY